

REMARKS

Summary of the Office Action & Formalities

Claims 1-10 are all the claims pending in the application. By this Amendment, Applicant is amending claims 11-15. No new matter is added.

Applicant thanks the Examiner for initialing the references on form PTO/SB/08 submitted with the last response.

Applicant also thanks the Examiner for approving the replacement sheet for Figs. 1 and 2 that adds schematics representations of these features.

The Examiner has withdrawn the objection to the abstract and specification in view of Applicant's last response.

Claims 5 is objected to because of a minor informality that Applicant is correcting.

Claim 6 is rejected under 35 U.S.C. 112, because the Examiner believes it is unclear what is meant by the term "thrust space" and its structural relationship with the "single finger extended spatula (10c)". Applicant is amending claim 6 to recite "holding the lens against an inside curved face of the body".

The Examiner has withdrawn the previous prior art rejections, but now rejects claims 1-4 and 7-9 under 35 U.S.C. 103(a) as being unpatentable over Feingold et al. (US 5,772,666) in view of Blake (US 6,280,449).

Claims 5 and 6 would be allowable if rewritten in independent form to overcome the objection and 112 rejection stated in this office action, respectively, including all of the limitations of the base claim and any intervening claims.

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully traverses the prior art rejections.

Claim Rejections – 35 U.S.C. § 103

In rejecting claims 1-4 and 7-9 under 35 U.S.C. 103(a), the grounds of rejection rely on Blake for allegedly teaching:

a lens-injecting device with a pusher element or “plunger” or “piston” 14 made from a plurality of push-blades of “fingers” to facilitate passage of an intraocular lens through a conical sleeve 20 (Figure 1 col. 2. lines 37-46 and col. 8, lines 9-15 and lines 44-59).

Accordingly it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a plurality of fingers, as taught by Blake, on the piston 14 of device 10 of Feingold et al., to facilitate passage of an intraocular lens through the conical intermediate portion 12b..

Office Action at page 3. Applicant respectfully disagrees.

Feingold et al. discloses a multi-piece or a one-piece lens injecting apparatus including a body portion having a lens delivery passageway and a movable plunger. The apparatus includes an opening for loading a deformable lens in to the delivery passageway. In use, once the lens is introduced through the opening, the user pushes the movable plunger in order to advance the lens and to put it into an incision in the eye.

Blake, on the other hand, discloses an insert or device employing a flexible sleeve to house an implant, such as a lens. More specifically, Blake discloses a device that uses blades to advance the lens *through the immobilized flexible sleeve*. According to this aspect of the

disclosed structure in Blake, the flexible sleeve containing the lens as recited in claim 1 is a technical feature *necessary* to the disclosed solution in Blake. According to this configuration, the blades never act directly on the lens. Consequently, the lens can not be considered independently from the flexible sleeve.

Therefore, a person having ordinary skill in the art, when presented with the disclosures of Feingold et al. and Blake, would at most load a deformable sleeve containing the lens according to Blake in to the body portion of a multi-piece or a one-piece device according to Feingold et al. With this modification, the sleeve would be immobilized at the end of the body portion with a collet or a screw and the blades, fixed to a pusher element, would compress the sleeve in order to eject the lens.

The present invention covers a very different structure. As disclosed at page 1, lines 30-34 of Applicant's specification, the object of the invention is to provide an injector which *does not have a chamber or loading system*. The invention provides an injector in which the lens deformed solely by direct thrust from the piston. Therefore, the lens is directly placed in the body portion and the piston acts directly on the lens without employing a separate system receiving the lens as in Blake.

Accordingly, it would not have been obvious to someone having ordinary skill in the art to reproduce subject matter of claim 1 using teachings of Feingold et al in combination with Blake, and the Examiner is kindly request to reconsider and withdraw the rejection of this claim and dependent claims 2-4 and 7-9.

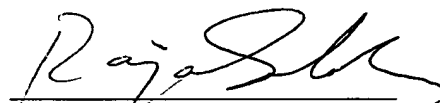
New Claims

For additional claim coverage merited by the scope of the present invention, Applicant is adding new claims 11-15. These claims are believed to be allowable at least by reason of their respective dependencies.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: February 3, 2004